

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition Nos. 45076 1995

G.Ramaiah
S/o Govindappa
Aged about 57 years
Residing in
Pattanagere Village
Kengeri Hobli
Bangalore South Taluk

gk

.. PETITIONER

(By Sri C.R.Lakshmanamurthy, Advocate)

- Vs -

1. The State of Karnataka
Represented by its
Secretary
Revenue Department
Vidhana Soudha
Bangalore - 560 001

2. The Tahsildar
Bangalore South Taluk
Bangalore

3. The Land Grants Committee
Bangalore South Taluk
Bangalore

.. RESPONDENTS

(By Sri B.E.Kotian, Addl. Government Advocate)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the respondents to consider the application filed by the petitioner at Annexure-A and etc.

This petition coming on for further orders this day, the Court made the following:-

ORDER

Sri B.E.Kotian, learned Government Advocate is directed to take notice for respondents-1 to 3.

2. The petitioner in this petition claims to be in unauthorised occupation of of land measuring 2 acres in Sy.No.11 of Pattanagere Village, Bangalore South Taluk, Bangalore District. It is his grievance in this petition that though he has filed Form No.50 seeking regularisation of his unauthorised occupation as provided under Section 94-A of the Karnataka Land Revenue Act (hereinafter referred to as 'the Act'), the authorities till now failed to consider his application and dispose of the same.

3. Sri Lakshmanamurthy, learned counsel for the petitioner submits that in view of Section 94-A of the Act read with Rule 108 of the Karnataka Land Revenue Rules, there is a statutory obligation cast on the Committee constituted under Section 94-A of the Act to dispose of the application filed by the petitioner in Form No.50 and since the



authorities have failed to discharge their statutory obligation a direction is required to be issued by this Court to the Committee to dispose of the application filed by the petitioner.

4. Having regard to the facts and circumstances of the case and in view of the assertion made by the petitioner that Form No.50 filed by the petitioner has not been disposed of, the only order that can be made at this stage is to direct the 3rd respondent-Committee to take appropriate decision in the matter pursuant to the application filed by the petitioner as expeditiously as possible and at any event of the matter not later than six months from the date of receipt of a copy of this order. However, it is needless to mention that if the petitioner is in possession of the land in question, the authorities shall not dispossess him before the disposal of the application filed by him.

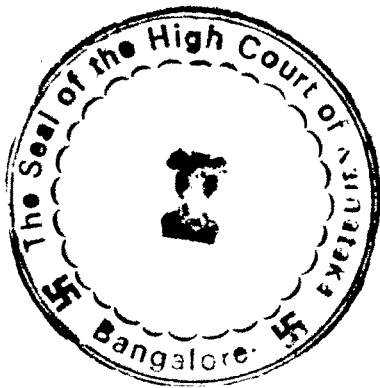
5. However, it is made clear that the direction given to the 3rd respondent-Committee to dispose of the

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application of the petitioner should not be understood as this Court expressing its views one way or the other on the merits of the claim of the petitioner. The authorities are at liberty to consider the claim of the parties on the basis of the materials that may be placed before it and in accordance with law. Accordingly, this petition is allowed and disposed of. Rule is issued and made absolute.

6. Sri B.E.Kotian, learned Government Advocate is given four weeks' time to file his memo of appearance.



Sd/-
JUDGE

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pmg/